

## Message Text

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72

ORIGIN NEA-09

INFO OCT-01 ISO-00 L-02 IO-10 EB-07 SS-15 SCS-03 SCA-01

NSC-05 TRSE-00 /053 R

DRAFTED BY NEA/ARN:MHMAUGHAN:DAV:L/NEA:KHUFFM

APPROVED BY NEA/ARN:DAKORN

NEA/EX:MJONES

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R 091635Z APR 75

FM SECSTATE WASHDC

TO AMEMBASSY KUWAIT

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E.O. 11652: N/A

TAGS: AFIN, IZ, US

SUBJECT: IMPOUNDED U.S. BANK ACCOUNT IN BAGHDAD

KUWAIT POUCH BAGHDAD FOR ACTION

REFERENCE: LOWRIE LETTER OF FEB. 13, 1975

1. USINT AUTHORIZED TO PRESENT FOLLOWING NOTE TO APPROPRIATE LEVEL OF MFA. ARN WILL ALSO BE TAKING THIS MATTER UP WITH CHIEF OF IRAQI INTERESTS SECTION WASHINGTON.

2. BEGIN QUOTE: THE GOVERNMENT OF THE UNITED STATES WISHES TO REFER THE NOTES TO THE GOVERNMENT OF IRAQ DATED OCTOBER 12, 1973, NOVEMBER 5, 1973, DECEMBER 8, 1973, JANUARY 30, 1974, JUNE 19, 1974, AND DECEMBER 11, 1974 CONCERNING FUNDS OF THE UNITED STATES IN THE AMOUNT OF IRAQI DINARS 5022.404 HELD BY THE GOVERNMENT OF IRAQ. SUCH FUNDS WERE IN THE CHECKING ACCOUNT OF THE UNITED STATES INTERESTS SECTION IN THE IRAQI COMMERCIAL BANK PRIOR TO THEIR IMPOUNDMENT ON OCTOBER 4, 1973, AND DECEMBER 5, 1973.

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AS DESCRIBED IN THE SECOND OF THE ABOVE CITED NOTES, THE SEIZURE, AND FAILURE TO RETURN, THIS PROPERTY CONSTITUTES A VIOLATION OF ARTICLES 22, 25, AND 32 OF THE VIENNA CONVENTION OF DIPLOMATIC RELATIONS, TO WHICH BOTH THE GOVERNMENT OF IRAQ AND THE GOVERNMENT OF THE UNITED STATES ARE PARTIES. THESE PROVISIONS ARE BASED UPON CUSTOMARY INTERNATIONAL LAW AND PRACTICE WHICH HAS LONG GOVERNED DIPLOMATIC INTERCOURSE AMONG STATES AND REFLECT THE UNQUESTIONABLE, PRACTICAL NECESSITY THAT THE PROPERTY OF DIPLOMATIC MISSIONS BE PROTECTED FROM SEIZURE BY LOCAL AUTHORITIES.

THE GOVERNMENT OF THE UNITED STATES NOTES THAT WHILE THE IRAQI MINISTRY OF FOREIGN AFFAIRS IN A NOTE DATED JANUARY 23, 1974 AGREED THAT THE SEIZURE OF THE FUNDS WAS ILLEGAL AND ON THIS AND OTHER OCCASIONS HAS ASSURED THAT SUCH FUNDS WOULD BE RETURNED, DESPITE THESE REASSURANCES THE FUNDS CONTINUE TO BE WITHHELD. THE GOVERNMENT OF THE UNITED STATES AGAIN REQUESTS A PROMPT RESOLUTION OF THIS MATTER. END QUOTE. KISSINGER

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## Message Attributes

**Automatic Decaptoning:** X  
**Capture Date:** 01 JAN 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** n/a  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 09 APR 1975  
**Decapton Date:** 01 JAN 1960  
**Decapton Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Authority:** MorefiRH  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 28 MAY 2004  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1975STATE080295  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** MHMAUGHAN:DAV:L/NEA:KHUFFM  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Film Number:** D750124-0481  
**From:** STATE  
**Handling Restrictions:** n/a  
**Image Path:**  
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**Legacy Key:** link1975/newtext/t19750466/aaaaciwf.tel  
**Line Count:** 80  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Office:** ORIGIN NEA  
**Original Classification:** LIMITED OFFICIAL USE  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 2  
**Previous Channel Indicators:** n/a  
**Previous Classification:** LIMITED OFFICIAL USE  
**Previous Handling Restrictions:** n/a  
**Reference:** 75 LOWRIE LETTER OF FE13, 75 1975  
**Review Action:** RELEASED, APPROVED  
**Review Authority:** MorefiRH  
**Review Comment:** n/a  
**Review Content Flags:**  
**Review Date:** 09 APR 2003  
**Review Event:**  
**Review Exemptions:** n/a  
**Review History:** RELEASED <09 APR 2003 by ShawDG>; APPROVED <21 MAY 2003 by MorefiRH>  
**Review Markings:**

Margaret P. Grafeld  
Declassified/Released  
US Department of State  
EO Systematic Review  
05 JUL 2006

**Review Media Identifier:**  
**Review Referrals:** n/a  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** IMPOUNDED U.S. BANK ACCOUNT IN BAGHDAD KUWAIT POUCH BAGHDAD FOR ACTION  
**TAGS:** AFIN, IZ, US  
**To:** KUWAIT  
**Type:** TE  
**Markings:** Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006